

B/TW

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Patrick E. PATTERSON

Art Unit: 2141

Serial No.: 09/231,714

Examiner: Paul H. KANG

Filed: January 15, 1999

Atty. Docket No. 07650004AA

Confirmation No: 2717

For: **DELIVERING ELECTRONIC CONTENT**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicant respectfully brings the following information listed on accompanying Form(s) PTO/SB/08A and/or PTO/SB/08B to the attention of the Examiner.

Applicant has listed publication dates on the attached PTO/SB/08A and/or PTO/SB/08B based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Moreover, Applicant reserves the right to establish the patentability of the claimed invention over any information provided herewith, and/or, to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. §1.98 (a)(2)(i), copies of the U.S. patents and U.S. patent applications are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Copies of references are enclosed together with a duly completed Form PTO/SB/08A and/or PTO/SB/08B. The Examiner is accordingly requested to consider each of these documents, and to make them of record in this application by initialing in the appropriate spaces on the Form PTO/SB/08A and/or PTO/SB/08B. Applicant respectfully requests that the Examiner include a copy of the initialed Form Form PTO/SB/08A and/or PTO/SB/08B with the next communication from the U.S. Patent and Trademark Office.

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits OR before the mailing date of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No certification or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our check in the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. Attached is a copy of the International Search Report and Written Opinion.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Applicant notes that an Office Action on the merits has not issued in the present application, and thus no fee is believed necessary to ensure consideration of the submitted material. However, if an Office Action on the merits has issued and is crossing this statement in the mail, the undersigned hereby authorizes the Commissioner to charge any fee necessary for the consideration of this statement, including any payment under 37 C.F.R. §1.17 (p) to **Deposit Account No. 23-1951 (McGuireWoods LLP)**.

It is respectfully requested that the Examiner initial and return a copy of the enclosed forms PTO/SB/08A and/or PTO/SB/08B, and to indicate in the official file wrapper of this patent application that the cited documents and photographs have been considered.

Respectfully submitted,



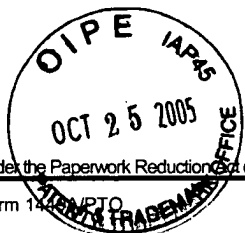
Charles J. Gross
Reg. No. 52,972

Date: **October 25, 2005**

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Substitute for form 1449 USPTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/231,714
Filing Date	January 15, 1999
First Named Inventor	Patrick E. PATTERSON
Art Unit	2141
Examiner Name	Paul H. KANG
Attorney Docket Number	07650004AA

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 5,677,953	10-14-1997	Dolphin	
		US- 5,703,951	12-30-1997	Dolphin	
		US- 5,790,664	08-04-1998	Coley, et al.	
		US- 5,790,790	08-04-1998	Smith, et al.	
		US- 5,889,943	03-30-1999	Ji, et al.	
		US- 5,892,825	04-06-1999	Mages, et al.	
		US- 5,958,005	09-28-1999	Thorne, et al.	
		US- 5,958,051	09-28-1999	Renaud, et al.	
		US- 6,014,688	01-11-2000	Venkatraman, et al.	
		US- 6,021,491	02-01-2000	Renaud	
		US- 6,035,329	03-07-2000	Mages, et al.	
		US- 6,073,256	06-06-2000	Sesma	
		US- 6,075,862	06-13-2000	Yoshida, et al.	
		US- 6,098,056	08-01-2000	Rusnak, et al.	
		US- 6,178,442	01-23-2001	Yamazaki	
		US- 6,253,193	06-26-2001	Ginter, et al.	
		US- 6,266,692	07-24-2001	Greenstein	
		US- 6,289,461	09-11-2001	Dixon	
		US- 6,314,454	11-06-2001	Wang, et al.	
		US- 6,332,156	12-18-2001	Cho, et al.	
		US- 6,389,541	05-14-2002	Patterson	
		US- 6,751,670	06-15-2004	Patterson	
		US- 2005/0021633 A1	01-27-2005	Venkatraman, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B-1

(Use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	09/231,714
Filing Date	January 15, 1999
First Named Inventor	Patrick E. PATTERSON
Art Unit	2141
Examiner Name	Paul H. KANG
Attorney Docket Number	07650004AA

NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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